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TO RUEHGG/UN SECURITY COUNCIL COLLECTIVE IMMEDIATE
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SUBJECT: UNSC: A/SYG ANNABI AND PERSONAL ENVOY VAN WALSUM
BRIEF COUNCIL ON THE WESTERN SAHARA

¶1. Summary: During a private meeting of the Security Council April 25, UN Assistant Secretary-General for Peacekeeping Operations Heidi Annabi reported on MINURSO operations, and the Secretary-General's Personal Envoy for Western Sahara Peter van Walsum discussed the Secretary-General's latest report on the situation in Western Sahara. Council members generally supported Van Walsum's call for direct negotiations between the parties to the conflict without preconditions, although opinions differed as to specifics. Most Council members called for a six-month renewal of the MINURSO mandate. End Summary.

¶2. In his briefing on MINURSO activities of the past six months, Annabi noted that MINURSO's ability to monitor the cease-fire has improved and that cease-fire violations have decreased. However, he said Laayoune demonstrations calling for Western Saharan self-determination and respect for human rights had created a tense situation, which had the potential for instability if a solution to the problem is not found. Annabi underscored the Secretary-General's view that MINURSO plays an important role in monitoring the cease-fire and facilitating confidence-building measures among the parties, and conveyed his recommendation to extend MINURSO's mandate for six months.

¶3. Van Walsum clarified why he has recommended direct negotiations between the parties and without preconditions. He characterized his decision as a "compromise between international legality and reality," arguing that thirty years of failed efforts to find a solution to the problem based on international legitimacy led him to the conclusion that such a compromise is necessary. Van Walsum contrasted past Council calls for self-determination and a mutually acceptable solution with Morocco's refusal to agree to a solution based on Sahrawi self-determination. Van Walsum stated that to overcome this contradiction, a solution should be based on negotiations between the parties. While the UN could not advocate disregarding international law to reach a solution, he suggested that once the parties agreed to a solution they had negotiated themselves, international law would move to the background and the solution would move to the foreground.

¶4. Van Walsum observed that since Morocco rejected the peace plan in 2004, there had been an absence of reaction from the Council. Because of the Council's strong desire for a peace plan based on an agreement between the two parties, he concluded that the Council had effectively "rescinded" its support for the plan once Morocco's decision was made clear.
COUNCIL MEMBERS, COMMENTS

15. The majority of Council members who spoke focused their comments on the status of negotiations between the parties to the conflict. Ghana, Congo, and the U.S. expressed frustration that there seemed to be no solution to the conflict on the horizon. Qatar and Slovakia supported direct negotiations without preconditions as recommended in the Secretary-General's report. Many members supported Van

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Walsum's proposal generally, but differed from him on specifics. The UK said that it agreed that the parties should stop emphasizing preconditions, and that such an emphasis is what has been preventing them from negotiating. The UK argued, however, that any solution must be tied to previous UN resolutions on the matter, namely self-determination and "mutual acceptability." France expressed support for Van Walsum, adding, however, that direct negotiations "in which Algeria should participate" are the only way to get around the deadlock. Russia stated that Moscow would support any formula that was mutually acceptable. Peru and Congo expressed concern about negotiations without preconditions established by UNSC resolutions. Peru asserted that direct negotiation under the UNSC would not have a positive outcome, "because the solution of independence is unacceptable to Morocco and no one wants to pressure Morocco."

16. There was a general consensus for a six-month MINURSO mandate renewal. Japan cautioned, however, that it was "not acceptable for MINURSO to continue indefinitely without the prospect of a solution." The UK stressed its concern about the human rights situation, expressing support for the Human Rights Commission's planned trip to the region, and stating that "at a minimum" a reference to this visit should be included in the resolution. While France welcomed the Human Rights Commission visit, the PermRep simply urged Morocco to be transparent regarding human rights.

BOLTON